



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 7891**
Yoshimasa OKABE : Attorney Docket No. 2004_1456A
Serial No. 10/508,776 : Group Art Unit 2624
Filed September 23, 2004 : Examiner Akililu K. Woldemariam
**IMAGE PROCESSING APPARATUS
AND IMAGE PROCESSING METHOD** : **Mail Stop Amendment**

RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

In view of the following remarks and the period for response to which having been extended by one month to December 16, 2007, reconsideration and further examination are respectfully requested.

The Examiner takes the position that the amendment filed on August 16, 2007 is non-responsive and alleges that the amendment presents new claims which are drawn to a non-elected invention. Specifically, the Examiner states that the new claims (i.e., claims 8-11) are not readable on the original invention because the original claims (i.e., claims 1-7) read on Fig. 12 and the new claims presented in the amendment read on Fig. 13 and are of a different scope. The Examiner's position is respectfully traversed for the following reasons.

37 CFR 1.145 states that “[i]f after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed” (see MPEP 821.03). In addition, MPEP 821.03 states that the “practice set forth in this section is not applicable ... where applicant presents claims that could not have been restricted.”